

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JAN 25 1991

Returned to applicant for correction.....

Corrected application filed..... Map filed JAN 25 1991 under 55679-T

The applicant Battle Mountain Gold Company
.....
..... Box 1627 of Battle Mountain
..... Street and No. or P.O. Box No. City or Town

..... Nevada (89820-1627) hereby make... application for permission to change the
..... State and Zip Code No.

..... Point of Diversion and Place of Use
..... Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit No. 40901
..... Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
..... identify right in Decree.

1. The source of water is Underground, Well 3A
..... Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 1 cfs, not to exceed 235.9 million gallons annually
..... Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Mining, Milling and Domestic
..... Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Mining, Milling and Domestic
..... Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point NE 1/4 NW 1/4 Section 4, T31N, R44E, MDM, or at a
..... Describe as being within a 40-acre subdivision of public survey and by course and
point from which the North 1/4 corner of Section 4, T31N, R44E, MDM bears, N 31° 44'
..... distance to a section corner. If on unsurveyed land, it should be stated.
50" E a distance of 1597.10 feet.
6. The existing permitted point of diversion is located within NW 1/4 SE 1/4 Section 32, T32N, R44E, MDM, or
..... If point of diversion is not changed, do not answer.
at a point from which the Northwest corner of Section 4, T31N, R44E, MDM bears S
55° 36' E a distance of 2726 feet.
7. Proposed place of use Section 4, T31N, R44E, MDM; Sections 28, 29, 32, and 33, T32N,
..... Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
R44E, MDM.
8. Existing place of use Sections 19, 20, 28, 29, 30, 32 and 33, T32N, R44E, MDM.
..... Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
..... manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.
..... Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
..... Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Drill well, install pump, motor, meter and
..... State manner in which water is to be diverted, i.e. diversion structure,
distribution system to heap-leach area.
..... ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$80,000.00
13. Estimated time required to construct works One Year

14. Estimated time required to complete the application of water to beneficial use..... Ten Years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

The water is to be used for a heap-leach operation and crusher. The consumptive use is estimated at 131.4 MGA.

By s/Richard W. Arden Agent
950 Industrial Way
Sparks, NV (89431)

Compared pm/jm ab/se

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 40901 is issued subject to the terms and conditions imposed in said Permit 40901 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 22883, Certificate 7644; 40902 and 55680 shall not exceed 452.9 million gallons annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 235.9

million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before November 12, 1993

Proof of completion of work shall be filed before December 12, 1993

Application of water to beneficial use shall be made on or before November 12, 1994

Proof of the application of water to beneficial use shall be filed on or before December 12, 1994

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed JAN 11 1995

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 15th day of March

A.D. 19 93


State Engineer

Port
Approved By 60335 0.11 sep 9/19/95
60335 0.11
port 68405 T.O.1
port 68406 0.5

(PERMIT TERMS CONTINUED)

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.